

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE:

**MARIA L. RIVERA ETCHEVARRIA**

DEBTOR(S)

CASE NO.18-01912-BKT

CHAPTER: 13

**NOTICE OF FILING PLAN-**

**TO ALL CREDITORS AND PARTIES IN INTEREST:**

Notice is hereby given that Debtor filed a Chapter 13 Plan Dated 31<sup>ST</sup> day of August 2018.

**/s/VICTOR THOMAS SANTIAGO, ESQ.**  
ATTORNEY FOR DEBTOR

**I HEREBY CERTIFY** that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF Filing System which will send a notification, upon information and belief, of such filing to the Chapter 13 Trustee; and to all subscribed users. We will serve by regular mail this document to any creditor as per master address list upon knowing that they are non CM/ECF participants.

In San Juan, Puerto Rico, this 31<sup>ST</sup> day of August 2018.

**/s/Víctor C. Thomas Santiago**  
USDC PR # 209807  
151 Ave de Diego, Suite B  
San Juan, Puerto Rico 00911  
Tel. (787) 722-5601  
Fax (787) 724-6366  
E-mail: [vthomas@thomasmag.com](mailto:vthomas@thomasmag.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:  
MARIA L RIVERA ETCHEVARRIA  
  
xxx-xx-4267

Case No.: 18-01912

Chapter 13

☒ Check if this is a pre-confirmation amended plan

☐ Check if this is a post confirmation amended plan

Proposed by:

☐ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

Puerto Rico Local Form G

Chapter 13 Plan dated August 31, 2018

If this is an amended plan, list below the sections of the plan that have been changed.

3.1 3.2 3.5

**PART 1: Notices**

**To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

**PART 2: Plan Payments and Length of Plan**

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
\$300.00	Months 1 through 12	\$3,600.00	
\$600.00	Months 13 through 24	\$7,200.00	

Debtor	MARIA L RIVERA ETCHEVARRIA		Case number	18-01912
	\$750.00	Months 25 through 60	\$27,000.00	
Subtotals		60 Months	\$37,800.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.  
☒ Debtor(s) will make payments directly to the trustee.  
☐ Other (specify method of payment): \_\_\_\_\_

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

**PART3: Treatment of Secured Claims**

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☐ None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

☒ The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee
	COND ALEXIX PARK APT 521 Carolina, PR 00979 Carolina County					
SHELLPOINT MORTGAGE	3 BEDROOMS 2 BATHROOMS	\$734.00	\$740.46			
Disbursed by:						
<input type="checkbox"/> Trustee						
<input checked="" type="checkbox"/> Debtor(s)						

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Debtor MARIA L RIVERA ETCHEVARRIA Case number 18-01912

Check one.

☐ None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced. The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☒ The Debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor(s) state that the value of the secured claim should be as set out in the column headed Amount of Secured Claim. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below. If no monthly payment is listed below, distribution will be pro-rated according to section 7.2.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed Amount of Secured Claim will retain the lien on the property interest of the Debtor(s) or the estate(s) until the earlier of:

(a) Payment of the underlying debt determined under nonbankruptcy law, or

(b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor. See Bankruptcy Rule 3015.

Name of Creditor	Estimated Amount of Creditor's Total Claim	Collateral	Value of Collateral	Amount of Claims Senior to Creditor's Claim	Amount of Secured Claim	Interest Rate %	Monthly PMT to Creditor	Estimated Total of Monthly PMTs
BANCO POPULAR	\$40,000.00	COND ALEXIX PARK APT 521 Carolina, PR 00979 Carolina County 3 BEDROOM S 2 BATHROOM	\$85,000.00	\$125,000.00				

Insert additional claims as needed.

### 3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☒ None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

### 3.4 Lien Avoidance.

Check one.

☒ None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

### 3.5 Surrender of collateral.

Check one.

☐ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the

Debtor MARIA L RIVERA ETCHEVARRIA Case number 18-01912

stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor COOP A/C MANUEL ZENO GANDIA Collateral SHARES

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

☐ Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor \$ Amount of APMP Comments

-NONE-

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

☐ None. If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

☒ Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

Name of creditor	Claim ID#	Claim Amount	Modified interest rate	Modified term (Months)	Modified P&I	Property taxes (Escrow)	Property Insurance (Escrow)	Total monthly payment	Estimated total PMTs by trustee
CRIM		\$124.11	0.00%	3				\$41.37	\$124.11
		<input checked="" type="checkbox"/> To be paid in full 100%						Starting on Plan Month 11	

Insert additional claims as needed.

**PART 4: Treatment of Fees and Priority Claims**

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

Debtor MARIA L RIVERA ETCHEVARRIA Case number 18-01912

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:	\$ <u>290.00</u>
Balance of attorney's fees to be paid under this plan are estimated to be:	\$ <u>2,710.00</u>
If this is a post-confirmation amended plan, estimated attorney's fees:	\$ _____

4.4 **Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6**

Check one.

☐ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The Trustee shall pay in full all allowed claims entitled to priority under §507, §1322(a)(2), estimated in \$16,063.69

Name of priority creditor	Estimate amount of claim to be paid
<u>DEPARTAMENTO DE HACIENDA</u>	<u>\$9,777.69</u>
<u>DEPARTAMENTO DE HACIENDA DE PR</u>	<u>\$6,286.00</u>

Insert additional claims as needed.

4.5 **Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 **Post confirmation property insurance coverage**

Check one.

☒ None. If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

**PART 5: Treatment of Nonpriority Unsecured Claims**

5.1 **Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ \_\_\_\_\_
- ☐ \_\_\_\_\_% of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ \_\_\_\_\_.

5.2 **Maintenance of payments and cure of any default on nonpriority unsecured claims.**

Check one.

☒ None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 **Other separately classified nonpriority unsecured claims.**

Check one.

☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.



Debtor MARIA L RIVERA ETCHEVARRIA

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## **PART 6: Executory Contracts and Unexpired Leases**

- 6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

☒ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

## **PART 7: Vesting of Property of the Estate & Plan Distribution Order**

- 7.1 Property of the estate will vest in the Debtor(s) upon

Check the applicable box:

- ☒ Plan confirmation.  
☐ Entry of discharge.  
☐ Other: \_\_\_\_\_

- 7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

## **PART 8: Nonstandard Plan Provisions**

- 8.1 Check "None" or list the nonstandard plan provisions

☐ None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

*Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.*

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

- 8.2 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the plan:**

Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amount, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to the use all or portion of such "Tax Refunds", Debtor(s) shall seek Court's authorization prior to any use of funds.

- 8.3 This Section modifies LBF-G, Part 3: Retention of Lien: The lien holder of any allowed secured claim, provided for by the plan, in its Part 3, will retain its lien according to the terms and conditions required by 11 USC 1325(a)(5)(B)(i)(I) & (II).**

Debtor MARIA L RIVERA ETCHEVARRIA

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*Insert additional lines as needed.*

**PART 9: Signature(s)**

/s/ LCDO. VICTOR C THOMAS SANTIAGO  
USDC PR

Date August 31, 2018

LCDO. VICTOR C THOMAS SANTIAGO  
USDC PR 209807  
Signature of Attorney of Debtor(s)

/s/ MARIA L RIVERA ETCHEVARRIA  
MARIA L RIVERA ETCHEVARRIA

Date August 31, 2018

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.



del Matrix for local noticing  
04-3  
se 18-01912-BKT13  
strict of Puerto Rico  
i San Juan  
i Aug 31 18:19:01 AST 2018

ERICAN EXPRESS  
BOX 297871  
LAUDERDALE, FL 33329-7871

NCO POPULAR  
BOX 362708  
N JUAN, PR 00936-2708

VA  
BOX 364745  
N JUAN, PR 00936-4745

op A/C Dr. Manuel Zeno Ganda  
Box 1865  
acibo, PR 00613-1865

A CSNA  
IL CODE DE5-019-03-07  
60 OGLETON STANTON RD  
MARK, DE 19713

JEFFERSON CAPITAL SYSTEMS LLC  
BOX 7999  
INT CLOUD MN 56302-7999

RTINEZ & TORRES LAW OFFICES, P.S.C.  
BOX 192938  
N JUAN, PR 00919-3409

SD, LLC its successors and assigns as assi  
Roundup Funding L.L.C.  
surgent Capital Services  
Box 19008  
eenville, SC 29602-9008

RIA L RIVERA ETCHEVARRIA  
ND ALEXIS PARK  
AVE LAGUNA BOX 504  
ROLINA, PR 00979-6479

COOPERATIVA DE AHORRO Y CREDITO DR. MANUEL Z  
Fernandez Collins Cuyar & Pla  
PO BOX 9023905  
SAN JUAN, PR 00902-3905

ANGEL M VAZQUEZ BAUZA  
PO BOX 191017  
SAN JUAN, PR 00919-1017

BANCO POPULAR DE PUERTO RICO  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PR 00936-6818

CITIFINANCIAL  
PO BOX 71328  
SAN JUAN, PR 00936-8428

DEPARTAMENTO DE HACIENDA DE PR  
BANKRUPTCY DEPARTMENT  
PO BOX 9024140  
SAN JUAN, PR 00902-4140

GC SERVICES LIMITED PARTNERSHIP  
PO BOX 47455  
JACKSONVILLE, FL 32247-7455

LEADING EDGE RECOVERY SOLUTIONS, LLC  
5440 N CUMBERLAND AVE STE 300  
CHICAGO, IL 60656-1486

MYGLQ Investors, L.P.  
c/o Shellpoint Mortgage Servicing  
PO Box 10826  
Greenville, SC 29603-0826

SAM'S CLUB  
PO BOX 530942  
ATLANTA, GA 30353-0942

MONSITA LECAROS ARIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

AUTORIDAD DE ENERGIA ELECTRICA DE PR  
PO BOX 364267  
SAN JUAN, PR 00936-4267

BANK OF AMERICA  
PO BOX 15713  
WILMINGTON, DE 19886-5713

CRIM  
PO BOX 195387  
SAN JUAN, PR 00919-5387

EAST BAY FUNDING, LLC  
PO BOX 288  
GREENVILLE, SC 29602-0288

JC PENNEY  
PO BOX 364788  
SAN JUAN, PR 00936-4788

LNVV FUNDUNG LLC  
PO BOX 10497  
GREENVILLE, SC 29603-0497

PREPA - BANKRUPTCY OFFICE  
PO BOX 364267  
SAN JUAN PR 00936-4267

JOSE RAMON CARRION MORALES  
PO BOX 9023884  
SAN JUAN, PR 00902-3884

VICTOR THOMAS SANTIAGO  
127 DE DIEGO AVE APT 1-A  
SAN JUAN, PR 00911-1909

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

FERSON CAPITAL SYSTEMS LLC  
BOX 7999  
CLOUD, MN 56302

(d)Jefferson Capital Systems LLC  
Po Box 7999  
Saint Cloud Mn 56302-9617

End of Label Matrix	
Mailable recipients	29
Bypassed recipients	0
Total	29